



PATENT  
Attorney Docket No. 08442-0002-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Joseph CAUTHEN ) Group Art Unit: 3738  
Application No.: 10/085,040 ) Examiner: U. Chattopadhyay  
Filed: March 1, 2002 )  
For: INTERVERTEBRAL DISC )  
ANNULUS STENT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RECEIVED  
MAR 29 2004  
TECHNOLOGY CENTER R3700

**REPLY TO OFFICE ACTION**

In reply to the Office Action mailed September 25, 2003, the period response extended through a three (3) month extension of time accompanying this paper, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims beginning on page 4 of this paper.

**Remarks/Arguments** follow the amendment section of this paper.

Attachments to this reply include: i) copy of Pease (U.S. 2,671,444); ii) copy of Gan (U.S. 5,964,807); iii) copy of Vas-Cath Inc. v. Mahurkar, 19 U.S.P.Q.2d 1111 (Fed. Cir. 1991); iv) copy of Ex parte Porter, 25 U.S.P.Q.2d 1144 (BdPatApp&Int 1992); v) copy of Provisional Application No. 60/149,490 filed August 18, 1999 [Lambrecht], vi) U.S. Provisional Application No.

01 FC:2201 129.00 DA  
02 FC:2202 252.00 DA

04/05/2004 ENINHONS 00000001 060916 10085040

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW  
GARRETT & DUNNER LLP

Dated: March 24, 2004

By: 

Eric P. Raciti  
Reg. No. 41,475

**Attachments:**

- Exh. 1: Copy of Pease (US 2,671,444)
- Exh. 2: Copy of Gan (US 5,964,807)
- Exh. 3: Copy of Vas-Cath Inc. v. Mahurkar
- Exh. 4: Copy of Ex parte Porter
- Exh. 5: Copy of USPAN 60/149,490
- Exh. 6: Copy of USPAN 60/161,085
- Exh. 7: Copy of USPAN 60/172,996